

REMARKS

Claims 1-4, 6-14, 16-32 and 34-48 are pending in the present application.

Applicants respectfully respond to this Office Action.

Allowable Subject Matter

Claims 1-4, 6-14, 16-32 and 34-39 were indicated as allowable over the prior art. Applicants express appreciation for the favorable consideration of these claims.

Claim Rejections – 35 USC § 101

Claims 40-48 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner asserts that “the apparatus of claim 40 does not have any hardware and/or tangible components and as such fails to fall into one of the four statutory categories that define a patentable invention.” See, Office Action, page 3.

Applicant respectfully disagrees with the Examiner’s characterization of claim 40, and asserts that claim 40 falls within the statutory category of **a machine**. Claim 40 recites, “**an apparatus** for generating a temporary identifier in a service area of a wireless communication system, the apparatus comprising: **a visitor location register** configured to: . . .” The visitor location register (**VLR**) 132 is shown in Figure 1 as a tangible component of a wireless communication system. The VLR 132 is shown with an assignment table 140, a counter 142, and an encryption module 144. A procedure 200 (Figure 2) resides in a VLR 132. See, specification, paragraph [1019]. Among other things, the VLR 132 increments the counter 142, searches the assignment table 140, and encrypts the value of the counter 142. See, specification, paragraphs [1022] to [1026].

Further, as explained in the Manual of Patent Examining Procedure (MPEP), “the burden is on the USPTO to set forth a *prima facie* case of unpatentability. Therefore if USPTO personnel determine that it is more likely than not that the claimed subject matter falls outside all of the statutory categories, they must provide an explanation.” MPEP 2106, IV. B. Applicants assert that the Examiner has not provided an explanation on why the **apparatus** of claim 40 comprising a **visitor location register** is not a **machine**.

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Also, "an apparatus claim with process steps is not classified as a 'hybrid' claim; instead, it is simply an apparatus claim including functional limitations." See, Id. Applicants assert that the apparatus of claim 40 has more than functional limitations. The apparatus comprises a visitor location register, which is a tangible component of the wireless communication system shown in Figure 1.

Accordingly, the rejection of claim 40 as directed to non-statutory subject matter should be withdrawn.

Claims 41-48 depend on independent claim 40, and for the reasons discussed above with respect to claim 40, the rejections of claims 41-48 likewise should be withdrawn.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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By:


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